

WETHERSFIELD ZONING BOARD OF APPEALS

PUBLIC HEARING-UNOFFICIAL MINUTES UNTIL VOTED UPON

JANUARY 25, 2016

The Wethersfield Zoning Board of Appeals held a public hearing on January 25, 2016 at 7:00 PM in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

PRESENT: Thomas J. Vaughan Jr., Chairman
Eugene Ziurys, Jr.
David Gustafson, Alternate, Acting Clerk
Michael Vieira, Alternate

ABSENT: Dan Logan, Vice Chairman
Morris Borea
Basia Dellaripa

Also Present: Justin LaFountain, Zoning Officer

Chairman Vaughan, Jr. opened the meeting at 7:05 PM. He asked if anyone present wished to speak on anything other than what is on the night's Agenda. There was no one from the audience who wished to speak. He explained the procedures of the meeting and hearing. He explained the need for four (4) affirmative votes to approve an application and since there are only four (4) voting members present this evening, all voting members would have to vote affirmatively to approve the application. Chairman Vaughan, Jr. explained that due to this the applicants are given the option to come to next month's meeting at no additional cost.

Application No. 6166-16 Girard McDonald, seeking a variance to allow for the construction of an addition to a residence exceeding the building setback line by 12 feet at 4 Ireland Road, A Zone (§3.7).

Gerry McDonald, 4 Ireland Road, Wethersfield, CT appeared before the Board seeking a variance to erect a 12 x 20 square foot addition off the side of the house. Mr. McDonald stated he is trying to gain more room for the grandkids coming and the side addition is aesthetically more appealing versus the rear of the house. Mr. McDonald stated he had this variance approved about 13 years ago but wasn't able to proceed with addition. He did not have it registered at that time.

Chairman Vaughan, Jr. verified the hardship is that this is a corner lot and the setback here is considered the rear yard, instead of the side yard due to the corner placement. He asked Mr. LaFountain for confirmation.

Mr. McDonald confirmed it is a corner lot.

Mr. LaFountain confirmed that is correct. He stated Mr. McDonald's plans would place the addition closer to Tifton Road, creating the possible hardship.

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Commissioner Gustafson asked for verification that Tifton Road is a dead end.

Mr. McDonald verified that is correct and the street will not continue further.

Chairman Vaughan, Jr. asked if Mr. McDonald has spoken to neighbors or if a particular neighbor is specifically affected by the addition.

Mr. McDonald stated there is not a specific neighbor affected by this addition. He also stated there were no questions by any neighbors. Neighbors had questions the last time he went through this process, but this time there haven't been any questions.

Chairman Vaughan, Jr. asked if there were any questions from the Commissioners.

Commissioner Ziurys, Jr. asked if the expansion was any different than the previous application.

Mr. McDonald stated there is 2 foot additional space in this current application.

Chairman Vaughan, Jr., asked if the addition would blend in with the house the way it currently looks.

Mr. McDonald stated it does and referred to the photos included with the Commissioner's informational packet. He also stated some neighbors agreed the plans will improve the home's appeal.

Chairman Vaughan, Jr., asked if there were any questions from the Commissioners.

There were no other questions from the Board.

The following audience member wished to speak in favor of this application:

1. Gastone Colantonio, 16 Morrison Avenue, Wethersfield, CT – he presented some history regarding Tifton Road based on research in this area and sees no reason to deny the application.

There was no one in the audience who wished to speak in opposition to the application.

Application No. 6167-16 Jesse Martin, seeking two variances (1) to allow for the keeping of 50 more pigeons than permitted on the property and (2) to construct the structure to house the pigeons 20 feet closer to the side property line than permitted at 431 Church Street, A Zone, (§3.5.4.C.4 and §3.5.4.C.6).

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Jesse Martin, 431 Church St., Wethersfield, CT is seeking two variances. He explained he is a new property owner in Wethersfield as of June 2015 and is a 3rd generation pigeon fancier. Mr. Martin explained fancy pigeons are bred specifically for show and not for flight. He stated his plan to construct an 8 x 12 square foot loft to fit in line with his existing garage and tool shed along the eastern side of his property that would house up to 55 pigeons. Mr. Martin stated his pigeons will not be flown, would stay in the loft at all times and would only be transported by cage. He stated his 3 generation interest in raising show pigeons. Mr. Martin addressed the possible concern of the pigeons getting free and referenced a variance passed in 2010 for a Fairview address. He also stated his plan to deal with waste as compost, recycling through friends' gardens or throwing out as trash. He shared an award received as a Champion Dragoon Breeder and a publication featuring one of his award winning birds. Mr. Martin addressed the hardship regarding the number of 50 pigeons and his need for enough pigeon pairs to become competitive in his hobby and to reach breed standards. He then stated the hardship for the setback as wanting to place the loft in alignment with the current garage and shed on the eastern side of his property since this is aesthetically pleasing and allows the most use of the rest of the yard. Mr. Martin next addressed the sound level of 50 pigeons, sharing copies of an Australian study with the Board, documenting the sound level to be 10 decibels. Mr. Martin then explained the 5 foot setback variance and his interest in keeping it in line with the other out buildings. He reiterated the importance of this hobby to him.

Chairman Vaughan, Jr. asked if Mr. Martin raised pigeons where he used to live.

Mr. Martin stated he did not when he rented in New Britain. He stated he did raise pigeons in Philadelphia and Massachusetts. He explained his interest in raising his family in Wethersfield and going through this application process the correct way.

Chairman Vaughan, Jr. asked if Mr. Martin was aware of the Wethersfield zoning regulation before moving here.

Mr. Martin stated that he was. He stated it wasn't his first priority in home choice, referencing price, location and schools, but wanted the opportunity to make his case to his neighbors and Town regarding his hobby. He stated his interest in answering any questions individuals might have for him.

Chairman Vaughan, Jr. verified past applications have been for homing pigeons and the concern being waste droppings in neighborhood yards. He asked Mr. Martin to clarify this would not happen with this type of pigeon.

Mr. Martin verified these pigeons do not fly and explained the goal of breeding for standard and likened it to dog breeding.

Chairman Vaughan, Jr. asked Mr. Martin to anticipate what those speaking against this application might say and his response to them.

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Mr. Martin stated he will never fly the pigeons, they are not loud, they only coo and sleep at night. He stated he plans to use the waste for his future garden as fertilizer or offer to friends as fertilizer or place in the trash. He stated 50 pigeons would generate approximately 1 bag of waste per week.

Chairman Vaughan, Jr. asked if the loft would be visible from the street.

Mr. Martin stated it would not. The loft would be located behind the garage.

Chairman Vaughan, Jr. asked the size of the loft.

Mr. Martin stated 8' x 12'.

Chairman Vaughan, Jr. asked if that would hold 50 pigeons.

Mr. Martin stated it would and referenced the standard the Town has used in the past as 1 square foot per pigeon. He stated his plan includes an area of storage within the loft.

Chairman Vaughan, Jr. asked for Mr. Martin's response to the concern of property value declining due to the pigeons.

Mr. Martin stated the Town has allowed similar variances and the plans include matching the loft to the house for an aesthetically pleasing view.

Chairman Vaughan, Jr. asked about the issue of disease or problems associated with the waste.

Mr. Martin stated since the pigeons do not fly this would not be a problem.

Chairman Vaughan, Jr. asked if there were any questions from the Commissioners.

Commissioner Ziurys, Jr. asked if he currently has any pigeons.

Mr. Martin stated he does not and his desire to go through the process in the correct manner before procuring any pigeons.

Commissioner Gustafson asked about potential pest/predator concerns.

Mr. Martin stated there is already a hawk in the neighborhood and the pigeons will be cooped and unavailable to predators. He stated the necessity of healthy birds in breeding for top quality pigeons and the need for vaccinations and high quality food. The feeding would take place in the coop only.

Commissioner Gustafson asked how quickly he would ramp from zero to 50 pigeons.

Mr. Martin stated he would begin with 12. He stated his research within the industry regarding the need for 50 to be competitive.

Chairman Vaughan, Jr. asked Mr. LaFountain to verify if there were only 5 pigeons a variance would not be needed.

Mr. LaFountain stated that is correct, but a variance would be needed for the setback issue.

Commissioner Gustafson asked if the setback issue applied to the existing structures.

Mr. LaFountain stated these accessory structures are allowed to be 5 feet from the property line. Structures used for livestock and animals must maintain the 25 foot setback from the side yard.

Chairman Vaughan, Jr. asked for verification of the amount being requested in this application.

Mr. LaFountain stated the request is for a 20 foot variance; a 5 foot setback from the property line.

There were no further questions from the Board.

Mr. Martin asked to address one more point regarding the setback distance. He stated his willingness to be flexible in the setback distance, maybe even 10 feet, and plant shrubs along the property line.

Chairman Vaughan, Jr. explained the procedure for audience members to address the Board.

There were no audience members who wished to speak in favor of this application. Chairman Vaughan, Jr. stated the letters written in favor of this application would be read into the record soon.

The following audience members wished to speak in opposition of this application:

1. Jane Starkowski-Polvani, 62 Westway, Wethersfield, CT – she questioned the validity of the Australian study pertaining to the US and stated the pigeons would interfere with personal enjoyment of property and be a nuisance. She stated her concern of attracting other pigeons, whether this is humane in not allowing pigeons flight and if it can be guaranteed the pigeons will not get out of the coop.
2. Carol Heron, 455 Church St., Wethersfield, CT – she stated her concern with the spread of disease carried in the pigeon droppings. She also asked whether she would have to disclose the pigeons upon sale of her home and who would count the pigeons.

Chairman Vaughan, Jr. stated all variances are enforced by the Building officials.

Ms. Heron continued, stating a concern about droppings landing on solar panels.

3. Maryanne Pappas, 35 Fairview Dr., Wethersfield, CT – she stated many questions were answered by the fact the pigeons do not fly. She stated the 10 decibels being described as ‘normal conversation’ from her research. She stated her concern with flies and possible odors with droppings used as fertilizer. She also asked who would follow up.

Chairman Vaughan, Jr. stated the Board is able to approve a variance with stipulations as a test period. At the end of the test period individuals may attend the meeting to review the variance and provide input in favor of or in opposition to the test period.

4. Mary-Anne Mulholland, 425 Church St., Wethersfield, CT – she stated her property abuts the property on the eastern side and her concern with the large setback variance requested. She stated the owner knew the zoning rules upon purchase, questioned the noise of two dozen pigeons in the roof of an apartment, the intention of not flying the pigeons and the height of the loft.

Chairman Vaughan, Jr. stated the structure would be 8’ high.

Ms. Mulholland then provided three photos showing where the structure would be placed upon approval. She stated her agreement with the previously presented concerns. She also stated her concern with the number of 55 pigeons and whether commercial action was being considered. Ms. Mulholland asked the Board to decline the side variance due to the hardship it creates for her and the neighborhood.

Commissioner Gustafson asked if there was a distance she considered to be of acceptable range.

Ms. Mulholland stated 25’. She stated her concerns of noise, flight and mosquitos. She asked the Board consider nothing less than 20’ of setback.

5. Mike Grabowski, 46 Westway, Wethersfield, CT – he stated his participation in demolition jobs with pigeon droppings and the need for Hepa filters and Tyvek suits. He stated his concern with droppings in the garden and cats spreading them around.
6. Harriet Brooks, 51 Westway, Wethersfield, CT – she stated her property abuts the rear property line and she has the same concerns as those previously mentioned, in addition to composted droppings and diseases transmitted by mosquito bites.

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7. Darlene Richards, 449 Church St., Wethersfield, CT – she stated her concern over property values were verified by a realtor. She stated her support of the previously presented concerns. In addition she stated the DEEP and Department of Public Health ask owners of flocks to register their birds and asked if the pigeons would be registered. She stated her concern over the composting, waste drawing flies, cleaning process of the coop and what happens if they get out.
8. Pete Baranowski, 65 Westway, Wethersfield, CT – he stated ordinances are in place for a reason and believes the 25' setback is reasonable.

Chairman Vaughan, Jr. asked if there was anyone in attendance who has submitted a letter to be read into the record. He stated there were letters submitted both in favor of and in opposition to the application.

Commissioner Gustafson stated there were five (5) letters submitted in opposition. He read into the record a letter dated January 22, 2016 from various residents of Westway and Church St. with approximately 30 signatures submitted in opposition to the application.

Commissioner Gustafson stated there were 10 letters submitted in favor of the application. He read into the record a letter dated January 25, 2016 from Ms. Sarah FrazziniKendrick, 467 Church Street, Wethersfield, CT in favor of this application.

Chairman Vaughan, Jr. stated he would now ask Mr. Martin to address questions he had formulated and if he was okay with the one letter read as an example in support of his application.

Mr. Martin stated he was fine with it.

Chairman Vaughan, Jr. asked if the pigeons would attract other pigeons or birds.

Mr. Martin stated they would not. Because they are kept in the loft, they will not have access to other wildlife and without access to the outdoors would not attract other birds. The pigeons would be able to fly within the loft with the State standard of one (1) bird per one (1) square foot.

Chairman Vaughan, Jr. asked if they would have the ability to get out of the cage.

Mr. Martin stated the planned loft would have a foyer with a partition including a second door before having access to the pigeons. He stated the two door system would ensure no pigeons would escape.

Chairman Vaughan, Jr. asked about the pigeon's ability to fly within the loft.

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Mr. Martin stated per Town, Health Department and State regulations it has been determined one (1) square foot per bird is enough room for the pigeons to fly and move around within the loft.

Chairman Vaughan, Jr. asked if any type of business was anticipated.

Mr. Martin stated there will not be any business and this is strictly a hobby for him.

Chairman Vaughan, Jr. stated there were several questions regarding the compost and asked how important that is to the applicant.

Mr. Martin stated he currently has an 8' x 5' compost bin he plans to place the waste in. He stated he would be willing to agree to weekly cleaning of the coop and throw the waste in the trash if necessary. He stated the amount of one bag of garbage is correct based on previous experience and he would clean the coop on Sunday in order to have the waste in the trash can for Monday trash pickup.

Chairman Vaughan, Jr. asked if a mask would be worn during the weekly cleaning.

Mr. Martin stated a mask or suit isn't required when cleaning the coop that often. He explained the cleaning includes the droppings, straw etc.

Chairman Vaughan, Jr. asked verification of the loudness of the pigeons.

Mr. Martin stated the pigeons may be louder if close to your head, but at further distance they aren't that loud. Mr. Martin verified the noise regulation is at night and then reiterated they sleep at night.

Chairman Vaughan, Jr. asked if a disclosure form would have to be filled out upon selling of nearby property.

Mr. Martin stated he had made an offer on 67 Fairview, which is located near a current pigeon owner, and he doesn't remember there being any mention of the pigeons.

Chairman Vaughan, Jr. stated the Board had no further questions.

Mr. Martin asked to address the point of Avian Flu. He stated the State of Connecticut currently does not require pigeons to be registered because pigeons are not carriers of Avian Flu. He stated chickens are required to be registered and if at any time in the future, the State requirements change, he would gladly register his pigeons. He stated he is glad to be having an open conversation regarding his hobby and is trying to go about the process in the correct manner. He stated if the Board is willing to grant a temporary variance he is open to that opportunity to prove himself and his hobby.

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Chairman Vaughan, Jr. asked about the potential for pests, flies or mosquitos.

Mr. Martin stated with weekly cleaning and other methods this would be minimal. He stated the use of tobacco stalks for nest building and thorough cleaning help.

Chairman Vaughan, Jr. verified the variance for the loft is necessary due to the number of pigeons requested to be housed in it.

Mr. LaFountain confirmed that is correct.

Mr. Martin stated he will finish the new loft to match the house, therefore being aesthetically pleasing and would like to place it in line with the existing buildings which would be less viewable by others. He stated his interest in having an open area to be with family.

Mary-Anne Mulholland stated concern the coop would be approximately 25' from her home, not the referenced 100'.

There were no further comments from the Board.

Application No. 6168-16 Richard and Benito Lagana, seeking two variances; (1) to allow a freestanding sign three feet closer to the side property line than permitted, and (2) allow 34.8 square feet of landscaping for the sign instead of the required 64 square feet of landscaping at 965-967 Silas Deane Highway, RC Zone (§6.3.H.2 and §6.1.H).

Richard Lagana, 58 Breezy Corners Rd., Portland, CT appeared before the Board as co-owner of Lagana Plaza at 965-967 Silas Deane Highway. Mr. Lagana stated he has a permit to erect a freestanding sign, which under current regulation requires a 5' setback from the property line. This would require him to move parking spaces and create difficulty accessing the parking spaces. Mr. Lagana explained how the variance allowing the sign placement would affect the landscaping requirement. He submitted photos showing the current and proposed parking spaces. Mr. Lagana stated he has met with the property owner abutting his property, who is in agreement, and they will meet again to determine exact sign placement.

Chairman Vaughan, Jr. asked if this application was in relation to a recent variance the Board passed regarding this sign.

Mr. Lagana stated it is.

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Chairman Vaughan, Jr. verified there has been approval for the sign and this is for the location of that sign.

Mr. LaFountain confirmed the owner needed a variance for the sign itself due to the existence of the wall signage and now he is looking for a variance for the sign placement.

Chairman Vaughan, Jr. asked if persons from Zoning and Building Department have been to this property and reviewed the sign placement.

Mr. Lagana stated Mr. LaFountain, Zoning Officer, and Peter Gillespie, Director of Planning and Economic Development, have been to the location and reviewed possibilities. He stated the issue becomes how far the parked vehicles would extend into the entrance and block it from incoming vehicles.

Chairman Vaughan, Jr. asked where the driveway is in the photo.

Mr. Lagana explained the driveway location.

Chairman Vaughan, Jr. asked for verification the entrance wouldn't be blocked.

Mr. Lagana state it would not and actually leave room for snow. He stated his plan for the island including striping, marking and shrubs that are movable for the winter and plowing.

Chairman Vaughan, Jr. asked for verification of the Building Department visiting the site and approving of the plan.

Mr. LaFountain stated he and the Town Planners had viewed the site about a month ago and did not have any concerns at that time. He asked for verification the front 5' setback from the front property line would be maintained and the application is requesting the setback variance for the side of the property only.

Mr. Lagana stated he would maintain a 6' setback from the Silas Deane Highway right of way.

Chairman Vaughan, Jr. asked if the Board had any other questions or if Mr. Lagana had anything to add.

Mr. Lagana stated his plans to include the abutting property owner in the final decision of sign placement so they are in agreement.

There were no audience members who wished to speak in favor of or in opposition to the application.

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There were no further comments from the Board.

Application No. 6165-15 PR Arrow LLC, seeking to appeal the decision of the Zoning Enforcement Officer regarding trucking and freight operations on property at 61 Arrow Road, BP Zone (§5.2.H.5).

Chairman Vaughan, Jr. stated they would discuss the application first during the Public Meeting.

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Chairman Vaughan Jr.

Commissioner Gustafson, Acting Clerk

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PRESENT: Thomas J. Vaughan Jr., Chairman
Eugene Ziurys, Jr.
David Gustafson, Alternate, Actin Clerk
Michael Vieira, Alternate

ABSENT: Dan Logan, Vice Chairman
Morris Borea
Basia Dellaripa

Also Present: Justin LaFountain, Zoning Officer

DECISIONS FROM PUBLIC HEARING

Voting Members: All Members Voted

Application No. 6165-15 PR Arrow LLC, seeking to appeal the decision of the Zoning Enforcement Officer regarding trucking and freight operations on property at 61 Arrow Road, BP Zone (§5.2.H.5).

The application was withdrawn at 5:00 PM Friday, January 22, 2016 by the applicant's attorney. Commissioner Gustafson read the withdrawal letter, dated January 22, 2016 from the Law Offices of John A. Tartaglia, III, into the record.

Application No. 6166-16 Girard McDonald, seeking a variance to allow for the construction of an addition to a residence exceeding the building setback line by 12 feet at 4 Ireland Road, A Zone (§3.7).

Upon motion made by Commissioner Ziurys, Jr., seconded by Commissioner Vieira and a poll of the Board it was unanimously voted the above application **BE APPROVED** as submitted.

Application No. 6167-16 Jesse Martin, seeking two variances (1) to allow for the keeping of 50 more pigeons than permitted on the property and (2) to construct the structure to house the pigeons 20 feet closer to the side property line than permitted at 431 Church Street, A Zone, (§3.5.4.C.4 and §3.5.4.C.6).

There was much discussion by the Board Members of the different options for this applicant and a past variance regarding pigeons and the stipulations placed on that application. The discussion took into consideration the neighbor's concerns and discussed the issue of enforcement.

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A motion was made by Commissioner Vieira and seconded by Commissioner Gustafson this application be approved with the following stipulations:

- The property owner would be limited to 12 total pigeons.
- The variance would be granted for a period of one year.
- The loft for the pigeons could be allowed within 10 feet of the east side property line.
- No pigeon droppings could be utilized for compost.
- The pigeon loft must be cleaned at least once per week.

A vote was taken with three (3) (Chairman Vaughan, Jr., Commissioner Gustafson and Commissioner Vieira) approving and one (1) (Commissioner Ziurys, Jr.) opposed; therefore this application was **DENIED**.

Application No. 6168-16 Richard and Benito Lagana, seeking two variances; (1) to allow a freestanding sign three feet closer to the side property line than permitted, and (2) allow 34.8 square feet of landscaping for the sign instead of the required 64 square feet of landscaping at 965-967 Silas Deane Highway, RC Zone (§6.3.H.2 and §6.1.H).

Upon motion made by Commissioner Vieira, seconded by Commissioner Ziurys, Jr. and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

APPROVAL OF MINUTES

Approval of October 2015 minutes tabled until next meeting.

ADJOURNMENT

The meeting was adjourned at 8:32 PM.

WETHERSFIELD ZONING BOARD OF APPEALS
CHAIRMAN VAUGHAN, JR.

Commissioner Gustafson, Acting Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on January 25, 2016.

Commissioner Gustafson, Acting Clerk